

Luton Local Plan Review

Draft Statement of Community Involvement (December 2024)

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1. Introduction

What is a Statement of Community Involvement?

1.1 The Statement of Community Involvement (SCI) is a document which explains how and when communities, businesses and other interested parties can become involved in the planning process. Through this engagement, the council benefits from detailed local knowledge and expertise, and community and stakeholder commitment to the future development of the borough.

1.2 According to the [Plain English guide to the planning system](#), the planning system aims to 'ensure that the right development happens in the right place at the right time, benefitting communities and the economy' It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced and in assessing whether proposed development is suitable.

1.3 The SCI will show you how you can be involved in the preparation of the local plan or other supplementary planning documents, and make your voice heard on planning applications.

1.4 The main areas of planning that the SCI applies to are:

- **Development Plan Documents (DPDs)** – these set out the strategic and detailed planning policies for an area. Together, they constitute the statutory development plan. They can include adopted local plans and made neighbourhood plans
- **Neighbourhood Plans** – these are produced by neighbourhood forums and comprise planning policies for a neighbourhood area
- **Supplementary Planning Documents (SPDs)** – these set out additional detailed guidance on how adopted planning policies will be implemented
- **Planning Applications and their determination** – where an application for planning permission is made to Luton Council for proposed development

1.5 The SCI does not apply to Article 4 Direction consultations, which are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. Similarly, the planning policy team may produce other pieces of work, such as the authority monitoring report, which may not be subject to public consultation.

1.6 Luton's last SCI was adopted in 2012. Legislation requires councils to review their SCI at least every 5 years. This SCI is the outcome of a review of the 2012 SCI, taking into account up-to-date planning legislation, and national and local policy, and reflecting Luton's current social, environmental and economic circumstances.

1.7 This SCI will have an important role in supporting and encouraging engagement with the community in the event of a local plan review, the publication of associated SPDs, or in the case of groups in the community wanting to prepare neighbourhood plans.

The future of the SCI under the Levelling Up and Regeneration Act

1.8 The Levelling Up and Regeneration Act (LURA), which gained Royal Assent on 26 October 2023, removes the requirement for local planning authorities to have a Statement of Community Involvement. However, secondary legislation is required to enable the relevant planning sections of the LURA, including removing the requirement for us to produce a SCI, to come into force. This means that until such secondary legislation comes forward, we are still required to have a SCI.

1.9 According to the [government's consultation on the implementation of plan-making reforms](#), "Project Initiation Documents" will instead be required at the beginning of the plan-preparation process and will be expected to include information on how the public will be consulted, including:

- Defining the scope of the local plan and include a programme for how the planning authority is intending to develop it, including when the public will be consulted;
- A 4 month period before formal plan-making starts – this early participation in part is to provide an opportunity for authorities to test how the community would wish to be engaged later on in the process
- Potentially include how a planning authority intends to connect with groups who have traditionally low levels of engagement, and how the use of hybrid approaches to engagement may overcome this issue
- Be the starting point for planning authorities to set out their proposed methods of consultation and engagement with communities and stakeholders, including statutory bodies throughout the plan-preparation process
- Distil the key messages emerging from those early engagement activities to then front-load discussions on plan vision and strategy

1.10 Although the Project Initiation Document is not a like-for-like replacement of the SCI, it may be that elements of the SCI can be used to guide our approach to early public participation under the new planning system.

Approach to community involvement in Luton

1.11 The Luton 2040 vision sets out a shared vision for the future of Luton, enabling the town to be a fairer, healthier, and more sustainable place where everyone can thrive and no-one has to live in poverty. The vision sets out a number of priorities, and the council is committed to working collaboratively with the public, the community, voluntary sectors and other organisations to achieve the vision.

1.12 The vision aspires to be a meaningful voice for all residents to shape the vision and direction of the town – with everyone in Luton having a part to play in shaping its future. This target outcome incorporates aiming to increase engagement and participation. While planning outcomes are intended to support all of the key priorities, that of having a "strong and empowered community supporting fairness, equality and local pride and speaking with a powerful voice" is particularly relevant to this document and community involvement in planning.

1.13 This is further emphasised in our [Fairness Strategy](#), which explains that we must encourage and enable citizens' active involvement, contribution and responsibilities in the development of the town and its future.

Resources

1.14 Significant staff and financial resource commitments are required to ensure that effective and worthwhile community engagement is achieved. The planning policy team will coordinate planning consultation exercises for the local plan.

1.15 Consultation activities will be made transparent by ensuring outputs of consultation are presented to the Local Plan Working Party and where necessary the Executive Committee. Action as a result of consultation e.g. changes to plans, policies and decisions in response to comments raised will be published online.

Implementation and review

1.16 Under current legislation, this document will be reviewed five years from its adoption unless an early review is required. Examples of review triggers may include: changes in planning legislation, national policy and/ or planning guidance; significant changes to consultation and engagement methods; and/ or internal strategy / policy changes within the council.

1.17 As noted above, the requirement to produce a SCI is proposed to be removed through the LURA. However, secondary legislation is required to enable this, and at the time of writing, has not yet been produced. It may be the case that this document will not be reviewed at all, and it may eventually be archived.

1.18 There may be exceptional circumstances – such as those seen during the Covid pandemic – whereby we are not able to fulfil all commitments outlined in this document. An example of this occurrence could be restrictions having to be put in place on public gatherings, or ‘on deposit’ locations being closed to the public. In these circumstances, we will follow national rules and guidance and will consider appropriate alternative courses of action (for example, holding virtual meetings instead of in-person). These, and other possible but currently unforeseen circumstances may also lead to an early review of this document.

2. Community involvement in plan-making

What is plan-making?

2.1 Planning policy is the area of planning that is concerned with setting out strategic and detailed planning policies for the area. These policies are then used by the council to make decisions on planning applications. These policies and supplementary guidance can be contained within the following documents:

- Development plan documents (DPDs)
- Supplementary planning documents (SPDs)
- Neighbourhood plans

Consultation requirements for planning policy and guidance

2.2 Requirements for planning consultation procedures are set out in primary and secondary legislation, supplemented by national policy in the [National Planning Policy Framework](#) (NPPF) and national [Planning Practice Guidance](#) (PPG). For DPDs, SPDs and neighbourhood plans, consultation requirements are in [the Planning and Compulsory Purchase Act 2004](#), the [Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2012 \(as amended\)](#), and the [Neighbourhood Planning \(General\) Regulations 2012](#).

2.3 The regulations give some flexibility for councils to determine how the public, businesses and local communities should be consulted as appropriate.

How to be involved in planning policy and guidance consultations

2.4 When any planning policy and guidance consultations are live, they will be available to view and for comment on our planning policy consultation portal, known as Objective Keyplan – available at <https://consult.luton.gov.uk/kse>.

2.5 Objective Keyplan also holds all contact details of those who have signed up to our consultation database. Responses to consultations are likely to be recorded on this database, even if not originally submitted through it.

2.6 Notifications of planning policy consultations and any associated outcomes (such as the adoption of a local plan) will be sent out from this database. Residents, community groups, organisations and any other stakeholders who are interested in planning policy consultations are encouraged to self-register with this system to ensure that they are consulted on future planning policy matters. Anyone may register, and individuals can ask to be removed at any time, unless they are a statutory consultee.

2.7 To ask to be added to the database, we can be emailed at localplan@luton.gov.uk.

Who we will consult with

2.8 We will consult with all residents, businesses, organisations and groups on our consultation database. Some of these consultees are known as “statutory consultees”.

2.9 Statutory consultees are individuals, groups or organisations that legislation requires the council to consult with. This includes “specific consultation bodies” and “general consultation bodies”

referred to in [the Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2012 \(as amended\)](#).

2.10 Specific consultation bodies include organisations such as the Environment Agency, Natural England, Historic England, and adjacent authorities such as parish councils and district and county councils. General consultation bodies includes voluntary groups that represent certain characteristics and businesses within the borough. The council already has a well-established network of community groups and organisations that is consulted on a range of non-planning policy matters that may not necessarily be considered to be “general” or “specific” consultation bodies. These are known as “representative groups”. We will utilise this network to ensure that relevant groups and organisations are included in planning consultations, including groups representing all of the protected characteristics.

2.11 We will consult with the following categories of representative groups, organisations and individuals during the formulation of an emerging DPD or SPD. Some may also be relevant for neighbourhood forums consulting on their emerging neighbourhood plans, depending on the local extent and character of the designated neighbourhood area.

- General public / residents
- Local government (e.g. councillors / council committees)
- Area committees and ward forums
- Local groups, clubs, organisations
- Local forums / partnerships including neighbourhood forums
- Environmental groups
- Seldom heard groups
- Landowners / house builders / planning agents
- Local and regional service providers
- National government
- National and regional organisations

2.12 Prior to each consultation going live we will carry out a refresh exercise on our database. This will include working with internal council teams such as the Social Justice Team and the Economic Development Team to make sure that appropriate representative groups can have their say.

Duty to cooperate

2.13 The duty to cooperate was introduced in the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA). Many land uses and activities (e.g. housing, schools, hospitals and businesses) and infrastructure requirements (e.g. pipelines, drainage and roads and rail etc) cross over local authority administrative boundaries impacting on adjacent communities.

2.14 The duty to cooperate requires local planning authorities and prescribed bodies to engage “constructively, actively and on an ongoing basis” to develop strategic policies. We will cooperate with the relevant authorities to meet this duty when producing a new local plan.

How to comment on consultations

2.15 Comments can either be submitted by visiting the consultation portal, or by emailing / writing to us at:

Email: localplan@luton.gov.uk

Please note that we are unable to process anonymous comments. Legislation requires us to respond to comments received from individuals and produce a consultation statement outlining those responses along with proposed changes, all of which will be made publicly accessible.

Dealing with racist representations

2.16 The Local Government (Access to Information) Act 1985 requires any material which is defamatory or likely to incite racial hatred or contempt, to be marked 'confidential' and not disclosed to the public. The Equalities Act 2010 makes it unlawful for anyone to induce or attempt to induce another person to discriminate on the grounds of race or any of the protected characteristics they may have or are alleged to have.

2.17 A racist representation is one which includes words, phrases or comments which are likely to be offensive to a particular racial or ethnic group; be racially abusive, insulting or threatening; apply pressure to discriminate on racial grounds and stir up racial hatred or contempt.

2.18 Where a representation is wholly racist, and contains no material planning consideration, the representation is unlawful and cannot be considered or disclosed. Its receipt will not be identified in any committee report to Executive as it is not material.

2.19 If the representation is racist, but also contains material planning considerations, the Executive committee may write to the respondent, explaining that only those valid planning matters will be considered or disclosed. If the Executive does not write to the respondent, only valid planning matters will be considered or disclosed and content deemed to be racist may be removed from the representation.

2.20 Main valid planning matters include: amenity - impact on neighbours; highways - suitability of access, parking, traffic generation etc.; policies - the relevance of any government policies which are applicable; design; and planning history.

Engagement Methods

2.21 In addition to any compulsory methods, we will consider each proposed consultation on a case-by-case basis to decide the most appropriate consultation and engagement strategy to employ. Table 1 shows examples of possible consultation methods.

Table 1: Consultation and engagement methods

Method	What this method involves
Placing documents on deposit	<p>Making documents available for the public to view in prominent locations, such as in the town hall and public libraries.</p> <p>During consultation periods, legislation requires us to make the main documents being consulted on available at our principal office (the town hall) as a minimum, during normal office hours.</p>

Method	What this method involves
Website	<p>The council website will be used to display information and updates, provide access to documents, and explain/ provide ways of providing feedback / comments.</p> <p>During consultation periods, legislation requires us to make the main documents being consulted on available on our website.</p>
Online consultation portal	Consultation documents and feedback forms may be made available on a purpose-built consultation website. The council has a consultation portal for non-planning policy related consultations, but planning policy consultations take place separately, on Objective Keyplan.
Social media	The council's social media channels may be used to publicise consultations and provide links to ways of providing feedback.
Email notification or written letter	Notifications of consultations may be sent out via email from the Online Consultation Portal. Where no email address is available, written notification may be sent via post.
Leaflets and newsletters	These may be appropriate for smaller scale consultations on matters relating to specific geographical areas, for example, individual housing estates or potential major site allocations. These may be sent via email or may be physical paper copies.
Questionnaires and surveys	These can be an effective means of gaining views on emerging documents and strategic policy-related proposals. They can be aimed at a small group or included in leaflets and newsletters to reach the wider community. Either may be online, or physical paper copies, particularly during community engagement or drop-in events.
Media release and public relations	Media releases may be issued through the local press, council publications, or television and radio.
Press notices	Notices may be published in local newspapers covering the whole of the area.
Site notices	Site notices may be used to publicise consultations relevant to specific areas, such as SPDs or neighbourhood plans.
Posters, displays and banners	These may be displayed in key public locations, including council offices, leisure centres, libraries and community centres, with the aim of attracting interest and providing information. In appropriate locations displays may also be used.
Community involvement / drop-in events	A range of community involvement events, or drop-in events, may be organised at accessible locations in order to capture community views. They will allow all those interested in the planning process to directly discuss the relevant issues, options and strategic planning proposals with planning officers and other staff.

Method	What this method involves
Public exhibitions	Public exhibitions can provide a good visual means of displaying draft proposals, and communicating relevant issues and options. Visitors will be able to discuss these matters with planning officers and other staff and submit their comments at the time.
Workshops and focus groups	These may be used to encourage discussions around particular issues, and can offer an opportunity to develop community capacity and offer training. These may take place in person or online.
Councillors	Councillors are elected as community representatives and will play an important role in guiding the planning process.
Use of existing partnerships, forums, panels or community resources	Examples include boards such as the Luton Tenant Partnership Board, and resources such as schools. These can provide representative views from a range of organisations/agencies or groups.
Community development	Luton Borough Council has community development officers who work in priority areas and neighbourhoods in the area to support and facilitate social inclusion and renewal.
Fairness Taskforce	Launched in November 2021, the Fairness Taskforce aims to enable the community, citizens and charities, our faith and community groups to actively shape the future of the town. It will be a critical friend, challenging leaders to respond to new citizen-led solutions.

Monitoring, equalities, and accessibility

2.22 The Public Sector Equalities Duty 2011 requires consideration when proposing to conduct planning consultations to identify and assess who will be most impacted by resulting changes and what the impact(s) will be.

2.23 The majority of planning policy documents will require an Integrated Impact Assessment (IIA) to be carried out at least prior to public consultation and adoption. Generally, an IIA is required to be carried out at the beginning of any project, policy or strategy to work out whether the work will have any negative impacts on the protected characteristics and to avoid direct or indirect discrimination.

2.24 It also helps to ensure that any new policies and other proposed policy changes support the council's corporate plan and vision.

2.25 Further equalities impact assessments may also be incorporated into planning policy evidence base documents, such as a sustainability appraisal.

2.26 We will take steps to ensure that people with protected characteristics become involved in the consultation process and recognise that these groups may require direct engagement to allow them to effectively participate in consultation.

2.27 While planning legislation specifically requires us to invite representations from bodies representing the interests of different racial, ethnic, national, religious or disabled persons groups within our area, we will aim to ensure that bodies representing all of the protected characteristics and relevant seldom heard groups will be invited to take part in planning consultations.

2.28 Questionnaires, surveys and representation forms will also include equalities monitoring questions to enable us to keep track of whether certain groups are under-represented in consultation responses. Anyone with an account on our consultation portal will also be able to update their equalities information there. Analysis of representations, and how representative those are of the wider community, may then be incorporated into a consultation statement following closure of consultation.

2.29 Under the Equality Act 2010 and the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018, we will ensure that documents made available on our website will be 'perceivable, operable, understandable and robust'.

3. Plan Making (Local Plans / Development Plan Documents)

What is a Development Plan/ Local Plan / Development Plan Document?

3.1 A development plan sets out a vision and a framework for future development within a set area. It should address needs and opportunities in relation to housing, employment, community facilities, infrastructure, and should conserve and enhance the natural and historic environment while mitigating and adapting to climate change.

3.2 Development plan documents can consist of either strategic or non-strategic policies, or both. Strategic policies address the priorities for an area while non-strategic policies deal with more detailed matters. It is drawn up by the local planning authority in consultation with the community. The council uses these policies to make decisions on planning applications for development.

3.3 The development plan can comprise a number of documents, including the Local Plan and neighbourhood plans (where these have been made).

3.4 The Luton Local Plan (2011-2031) adopted in November 2017 and the Minerals and Waste Local Plan: Strategic Sites and Policies (adopted in January 2014) together comprise the development plan for Luton's administrative area.

3.5 The Luton Local Plan is the development plan document which sets out the vision and framework for future development in the town. We are responsible for producing the local plan for Luton.

3.6 The Minerals and Waste Local Plan: Strategic Sites and Policies (2014) is the joint development plan document for minerals and waste for Central Bedfordshire, Bedford and Luton and was produced by Central Bedfordshire.

3.7 The timetable for preparing a local plan should be set out in a Local Development Scheme (LDS), which is kept under review; the most recent LDS for Luton is available on our [website](#).

Plan-making reform

3.8 The Levelling Up and Regeneration Act (LURA) received Royal Assent on 26 October 2023. A number of changes to the planning system are anticipated to take place as a result of this, however, secondary legislation will be required to enable the relevant planning sections of the LURA to come into force. The anticipated changes include:

- The removal of a requirement to produce a SCI and the authority being required instead to outline community engagement at project initiation;
- changes to plan-making requirements, including the introduction of "gateway" checks;
- the abolition of supplementary planning documents – to be replaced with supplementary plans;
- new national development management policies;
- abolition of the duty to cooperate and replacement with alignment tests;
- the replacement of LDS with 'local plan timetables'.

3.9 This section of the SCI describes the stages of development plan, SPD and neighbourhood plan production under the current system. This document will need to be reviewed to reflect the LURA's new system of plan making once more information is available.

3.10 Under the current system, plan-making can be broadly separated into the steps shown in Table 2.

Table 2: Stages of DPD preparation

Stage	Description
Regulation 18 (Issues and Options)	<p>This stage comprises gathering evidence from technical studies and assessments or from stakeholders, to help formulate a spatial portrait of the area. We will review existing planning-related legislation, government policy and guidance, and corporate strategies. We may also review the performance of existing policies as part of this stage.</p> <p>A scoping exercise will be carried out for a strategic environmental assessment (SEA) and sustainability appraisal (SA).</p> <p>We may hold workshops and / or community engagement / drop-in events to gather information and feedback, and will carry out stakeholder and public consultation on our website / consultation portal for a minimum of 6 weeks on the issues that we have identified.</p> <p>We will advertise the consultation on our website and through our consultation database, and may also publicise it via social media, press release, and other means as appropriate. Physical copies of documents will be made available in the town hall and as appropriate, in libraries.</p> <p>Undertaking these actions, as appropriate, will help us to identify the options for the area.</p>
Regulation 18 (Options and Draft Plan)	<p>Following on from the previous stage, we will publish a draft plan, or parts of an emerging plan, to obtain feedback from the community and stakeholders on the options that we have identified. A draft SEA and SA will also have been produced and will be consulted on.</p> <p>The draft documents will be made available for public consultation for a minimum of 6 weeks. We will advertise the consultation through our website and consultation database, and may also publicise it via social media, press release, and other means as appropriate. Physical copies of documents will be made available in the town hall and in libraries.</p> <p>We may use more interactive methods such as workshops and drop in sessions to collect feedback.</p> <p>All responses received will be summarised and responded to through a consultation statement, which will be made available on the council's website.</p>

Stage	Description
Regulation 19 (Publication stage)	<p>After incorporating changes from the previous stage, we will publish the version of the local plan that we intend to submit to the Secretary of State. An updated SA / SEA will also be produced.</p> <p>Consultation at this stage is more formal, and representations can only be made in relation to whether the policies have been prepared in accordance with the duty to cooperate, relevant legal and procedural requirements, and whether the plan is sound.</p> <p>The documents will be made available for public consultation for a minimum of 6 weeks. We will advertise the consultation through our website and consultation database, and may also publicise it via social media, press release, and other means as appropriate.</p> <p>Physical copies of documents will be made available in the town hall and in libraries.</p> <p>Responses will be summarised and the council will produce a consultation statement detailing representations received during consultation and any proposed changes. All comments will be published on our website.</p>
Regulation 22 (Submission stage)	<p>After incorporating any changes from the previous stage of consultation, we will submit the plan to the Secretary of State, who will be responsible for the independent examination of the plan.</p> <p>We will also submit supporting background evidence including the SEA / SA, consultation statements for the Regulation 18 and 19 stages of plan preparation, and copies of representations made in relation to Regulation 19. This will all be made available on our website.</p> <p>Once the plan has been submitted for examination we will notify everyone on our consultation database. We may also raise awareness via social media, press release, and other means as appropriate.</p>

Stage	Description
Regulation 24 (Examination)	<p>The Secretary of State will appoint an Inspector who will be responsible for examining the documents submitted. Meanwhile, we will appoint a Programme Officer. The Programme Officer will be the point of contact with the Planning Inspector and their details will be published on our website.</p> <p>The Inspector may ask for additional information from us before formal examination starts.</p> <p>The Inspector will test the soundness of the local plan through Examination in Public. Only those who submitted representations at Regulation 19 stage are entitled to be heard at the examination hearings. Third parties can be invited by the Inspector at their discretion.</p> <p>We will publicise details of the hearings on our website, including agendas. We may also publicise the examination via a press release, social media. All consultees on our consultation database will be notified of the hearings.</p> <p>All hearings will be made available for the public to view – whether in person, or online.</p> <p>Once examination ends, the Inspector will produce a report with recommendations which will be considered by the council.</p>
Regulation 26 (Adoption)	<p>The council will consider the Inspector's report. Further consultation may need to take place on modifications to the plan that have arisen during examination.</p> <p>The local plan will be required to go through the council's internal democratic process in order to be adopted. Once adopted, planning applications have to be determined in accordance with the local plan, unless material considerations indicate otherwise.</p> <p>All consultees on our consultation database, and those who made representations (if not on the database) will be notified of the local plan's adoption, and the documents will be made available on our website.</p> <p>There will be a 6-week period following adoption for legal challenge to be made.</p>

4. Supplementary Planning Documents (SPDs)

What is a Supplementary Planning Document (SPD)?

4.1 SPDs provide additional detail to elaborate on adopted policies. Examples may be supplementary guidance on planning obligations, or design. They do not form part of the statutory development plan and therefore are not subject to independent examination. However, their preparation will be subject to a level of community involvement proportionate to the nature of the document being produced.

4.2 All SPDs are subject to a minimum statutory consultation period of 4 to 6 weeks. The local plan regulations set out the procedures in regulations 11 to 16, and the relevant steps are summarised below.

Table 3: Stages of SPD production

Stage	Description
Research, scoping and drafting	<p>We will first identify the issues and options and agree on the scope of the proposed SPD, referring to the adopted policies and national planning policy and guidance.</p> <p>Community engagement and communication with stakeholders may take place at this stage, depending on the focus of the proposed SPD.</p> <p>We will draft the SPD. Internal consultation with relevant teams in the council may take place, which will further inform the proposed content.</p> <p>A consultation statement will be produced outlining any consultation and engagement that has taken place in the production of the SPD.</p>
SEA screening	<p>A screening exercise will be carried out to determine whether the SPD requires a full SEA to be produced. Consultation will take place with Natural England, Historic England and the Environment Agency on the draft screening determination.</p> <p>If it is decided that a full SEA is required, further work will need to be carried out in support of the emerging SPD before it can progress to the next stage. Otherwise, we will publish the SEA screening document on our website and move onto the next stage.</p>

Stage	Description
Consultation (Regulations 12 and 13)	<p>The draft SPD will be made publicly available for consultation for a period of 4 – 6 weeks, and we will seek comments and representations from the public, stakeholders and relevant organisations.</p> <p>The draft SPD will be made available for public inspection on our website and “on deposit” in the council’s main office and libraries as a minimum. All consultees on our database will be notified of the consultation. The consultation statement and SEA screening report will also be made available online.</p> <p>Once the consultation period has closed, we will summarise and respond to all comments received and record these within an updated consultation statement along with any proposed changes to the draft SPD.</p>
Adoption (Regulation 14)	<p>After incorporating any changes from the previous stage, Executive will need to agree the adoption of the SPD. If adoption is agreed the SPD will be made available to view on the council’s website, along with an adoption statement and the final consultation statement (incorporating summaries of all responses received during consultation).</p> <p>All those who made comments will be informed of the adoption, along with all consultees on our consultation database.</p> <p>Any person with sufficient interest in the decision to adopt the SPD has three months from the date of adoption to apply to the High Court for permission to judicially review the decision to adopt.</p>

5. Neighbourhood Planning

What is neighbourhood planning?

5.1 There are no neighbourhood plans or designated neighbourhood forums in Luton. A neighbourhood plan is a community-led document, produced by the community, rather than the local planning authority. Neighbourhood planning was introduced in the Localism Act in 2011, and the Neighbourhood Planning (General) Regulations 2012 (as amended) set out the requirements for the preparation of neighbourhood plans. The Neighbourhood Planning Act 2017 strengthens neighbourhood planning and introduced a process for modifying neighbourhood plans.

5.2 A neighbourhood plan must have regard to national planning policy and be in general conformity with the strategic policies in the adopted local plan. There are a number of legal requirements that neighbourhood plans must meet and they must be promoted by a “qualifying body”: a neighbourhood forum – a minimum of 21 people, living and carrying out business within the area and open to additional members from the area.

5.3 Neighbourhood development orders grant permission for specific types of development and their production requires a similar process to be followed as producing a neighbourhood plan.

5.4 Production of a neighbourhood plan or order follows the process below:

- Designation of the neighbourhood area and neighbourhood forum
- Preparation of the draft plan by the neighbourhood forum
- Pre-submission consultation (regulation 14)
- Submission to Luton Borough Council and consultation (regulation 16)
- Examination
- Receipt of examiner’s report
- Referendum
- Making of the plan

Modifications to neighbourhood plans or orders

5.5 There may be occasions where a neighbourhood plan, once made, needs to be modified or updated. Modifications may be minor or material. Material modifications are required to go through the same process as producing a new neighbourhood plan, including examination and referendum.

Information on support for those making or amending neighbourhood plans or neighbourhood development orders

5.6 In general, we expect any proposed neighbourhood forums to discuss their proposals with us at an early stage to discuss the scope of the proposed plan, amendments to the proposed plan, or the proposed development order.

5.7 We are able to provide general advice and guidance on the production of neighbourhood plans or neighbourhood development orders. We are unable to provide financial assistance to support neighbourhood planning. Neighbourhood forums seeking assistance should check the following websites for information on potential funding and further support and information:

- [Locality neighbourhood planning support](#)
- [National Planning Practice Guidance – neighbourhood planning](#)

6. Getting involved in planning applications

6.1 This section describes the planning application process and outlines how and when the community has the opportunity to be involved. It also sets out the expectations for how developers should get involved in this process.

6.2 The planning application process can be broken down into four stages:

Stage 1: Pre-application

Stage 2: Submission of planning application

Stage 3: Determination of planning application

Stage 4: Appeals

Stage 1: Pre-application – discussion and statutory consultation

6.3 We are keen to encourage developers to discuss their proposals with us before the formal process of the consideration and determination of a planning application begins.

6.4 [Pre-application advice](#) is an important part of the planning application process. Its objectives are to improve the quality of applications submitted with the aim of delivering quality outcomes to the benefit of the customer, the council and the community at large. The process will generally give more certainty and clarity at an early stage by identifying issues and requirements before an application is submitted so that speedier and robust decisions can be made.

6.5 Furthermore, Section 122 of the Localism Act 2011 requires developers proposing certain types of development and/or development over a certain size threshold, to publicise and carry out a high standard of pre application consultation with neighbours and people affected by the proposed development.

6.6 Pre-application consultation must be carried out before the application is submitted to us, the local planning authority, for a decision otherwise we can refuse to accept it. Details of any consultation, any adjustments and decision to proceed in the light of consultation should be submitted with an application.

6.7 We will encourage all applicants, whether for large developments or small developments to inform neighbours and all affected parties of their proposed development (including householder applicants). Early public consultation on proposals is beneficial to both the public and the developer.

6.8 We expect applicants of major proposals to use the PPA process to facilitate pre-application discussions and the application process.

Stage 2: Submitting a planning application

6.9 The application stage is the main stage at which the community can get involved in development proposals. The Government requires that the majority of applications are determined in eight weeks. For major applications this is extended to thirteen weeks, or sixteen weeks if an Environmental Statement/ Environmental Outcomes Report is required.

6.10 Stage 2 is the main opportunity to get involved in planning applications. There are a number of requirements for consulting which include:

- Public consultation – including consultation with neighbouring residents and community groups. This usually includes letters to neighbours adjoining the application site and any community groups registered with the local planning authority
- Statutory consultees – where there is a requirement set out in law to consult a specific body
- Direction – where there are further, specific, statutory consultation requirements
- Non-statutory consultees – where there are planning policy reasons to engage other consultees, who, whilst not designated in law, are likely to have an interest in a proposed development.

6.11 Appendix 1 outlines the minimum public consultation procedures and methods for planning applications.

6.12 We publish all planning applications on our website and everyone is able to access these details and arrange notifications of applications which interest them.

Viewing and commenting on applications

6.13 All planning applications are available to view on our [website](#). Guidance on how to view applications can be found in our guide, [accessing planning applications online](#). Comments on planning applications can also be made via our website.

6.14 Statutory consultees are sent details of planning applications and invited to respond. Responses should normally be received within 21 days of receipt of notification and are subsequently made available for public viewing on the website. The results of any such consultation, where they relate to relevant planning considerations are taken into consideration as part of the decision-making process.

6.15 The community, individuals and relevant properties are given 21 days from receipt of the notification to submit their representations. The representations should be submitted online via our viewing platform, should relate to the application in question and should only be concerned with planning related matters.

6.16 There may be negotiation on planning applications during the course of an application using our in-application advice process. Where this is considered to improve the proposed development, for example in response to comments received by an interested party, no further notification will be made. If the application requires a significant alteration or amendment, all relevant interested parties will be notified by letter as soon as possible with an appropriate timescale for response. However, one of the objectives of encouraging pre-application advice is to reduce the level of change required to be made to make a proposal acceptable once submitted on the basis of a formal application.

Community involvement in planning applications

6.17 The level of community involvement will depend on the scale, complexity, location and nature of the application. More details on indicative methods of consultation are given in Appendix 1. Where an application is expected to involve a high level of public interest, then we will promote greater public involvement.

6.18 We can only consider comments relating to planning issues. This may include such matters as traffic, noise and disturbance, overlooking and street scene impacts. We cannot consider non-planning matters such as loss of value, trade competition, noise during building operations and trespass.

6.19 If you make a comment on an application your details will be displayed on the planning system. Personal details such as your phone number, email address and signature will be removed but your name and address will be published because they form part of the statutory planning register. Comments made verbally, in person, by telephone or on any social media pages (including our own) will not be recorded or taken into account when formally considering all representations.

6.20 Further information on viewing planning applications and making comments is available on our [web](#)

Stage 3: Determining the application

6.21 All planning applications will be determined against development plan policies, consultation responses and relevant material considerations.

6.22 Planning decisions at the council are made by the Head of Planning under the council's [Scheme of Delegation](#) or by the [Development Management Committee](#).

6.23 As a general rule, the majority of applications will be dealt with under delegated powers. However major development proposals and those generating a significant level of public interest are determined by the Development Management Committee.

6.24 Every application that goes to the Development Management Committee has a report and a recommendation written by the case officer. This covers all the policy considerations and key issues about the application, including key consultation responses from the community and statutory bodies. These reports are available to view online on [our website](#) the week preceding the relevant committee meeting.

6.25 Those who have commented on an application that is to be reported to a meeting of the committee will be informed in advance of their right to speak at the meeting. They will be also advised of the right to speak rules and procedures, the date of the meeting and the venue.

6.26 In some circumstances the Development Management Committee may decide to visit the application site before determining an application and Members should do so where the site is open and accessible. Where entry to a site requires permission from the Applicant, the Head of Planning will make appropriate arrangements.

6.27 Development Management Committee meetings are available to watch live online. To view, visit [our website](#), and select the meeting you wish to watch.

6.28 When planning applications are determined, the decisions are posted on the Council's website, interested parties are advised to monitor the website for any information including the decision.

Stage 4: Appeals

Community involvement in appeals

6.29 Only applicants have a right of appeal against a planning application decision. There are no third party appeal rights. Appeals are dealt with either by written representations, a hearing or a public inquiry. When we receive an appeal, all those who were consulted on the original application will be informed and advised how they can make their views known.

6.30 All representations submitted during the application stage will be forwarded to the Planning Inspectorate who decides the appeal. If there is a hearing or a public inquiry, it is normal procedure

for the Planning Inspectorate to invite main parties to prepare a joint statement of agreed facts in a statement of common ground.

6.31 Appeal hearings and inquiries are open to the public. Once decided, appeal decisions are also displayed on the Council's website.

6.32 More information on the appeals process is available on the [Gov.uk website](#).

Community involvement in enforcement issues

6.33 In some cases development is completed without permission or not in accordance with the approved plans. We place great importance on protecting and enhancing the quality of the built and natural environment, and in 2021 we adopted a new [Planning Enforcement Charter](#) capturing the aims and objectives of this service.

6.34 We encourage the community to report such instances to our Enforcement Team using the complaints form on our website. Full anonymity is assured in all cases. Complainants will be kept updated on the progress and informed of any resulting action; including appeals and the final outcome. If the complaint results in a planning application or other application being submitted this will be publicised and processed in the normal manner.

6.35 Investigations can often be lengthy and Enforcement Action is usually the last option as negotiations will be undertaken to try and resolve matters before issuing a formal notice. Information can be found at [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](#)

Significant Major Applications

6.36 We will extend our usual notification procedures on significant major applications. It will be for the Council to decide which applications fall into this category, but examples include major proposals at the airport, significant residential proposals (indicative threshold of 1000 units), new or relocated significant leisure uses, new business parks etc.

Appendix 1: Minimum public consultation procedures and methods for planning applications

Table 4: minimum public consultation procedures and methods for planning applications

Application type	Display on website	Site Notice	Site Notice or neighbour notification letter	Press Notice
Major applications (comprising 10+ homes; or 0.5 ha area; or 1,000 sqm+ non-residential floorspace or 1 ha area; or Waste development)	Yes	Yes		Yes
Minor applications (Comprising less 10 homes or 0.5 ha; or 1,000 sqm+ non-residential floorspace)	Yes	Where appropriate	Yes	
Household applications	Yes		Yes	
Advertisement consent	Yes	Yes		If in a conservation area or affects a listed building
Applications relating to conditions	Yes			
Works to protected trees	Yes			
Prior approvals	Yes			
Certificates of Lawfulness	Yes			
Applications which do not accord with the development plan	Yes	Yes		Yes
Applications accompanied by an environmental statement/Environmental Outcomes Report	Yes	Yes		Yes
Applications which would affect a protected right of way	Yes	Yes		Yes

Application type	Display on website	Site Notice	Site Notice or neighbour notification letter	Press Notice
Applications for listed building consent where works to the exterior of the building are proposed	Yes	Yes		Yes
Applications to vary or conditions attached to a listed building consent or involving exterior works to a listed building	Yes	Yes		Yes
Applications to discharge conditions attached to a listed building consent or involving exterior works to a listed building	Yes	Where appropriate		Where appropriate
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area	Yes	Yes		Yes

Appendix 2: Glossary

Appeals: The process whereby a planning applicant can challenge an adverse decision, including a refusal of planning permission or the imposition of an enforcement notice. Appeals can also be made against the failure of the planning authority to issue a decision within a given time, against conditions attached to a planning permission, against the issue of an enforcement notice, and against refusals of listed building consent.

Authority Monitoring Reports (AMRs): A report that reviews a Local Plan's progress against the targets and milestones for local plan preparation set out in the local authority's Local Development Scheme, as well as reviewing the effectiveness of policies within the Local Plan against targets in a monitoring framework.

Delegated Powers: These are given to planning officers within the Development Management Team to determine planning applications without the requirement for the application to be put before Development Management Committee.

Development Plan Documents: A Local Development Document that has the status of a development plan and that is subject to community engagement, consultation and independent examination. Planning applications have to be determined in accordance with development plan documents e.g. local plans, unless material considerations indicate otherwise.

Development Management: The process whereby a local planning authority determines planning applications. Authorities must have regard to development plan policies and any other relevant material planning considerations.

Environmental Impact Assessment (EIA): A procedure to be followed for certain types of projects to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Environmental Statement (ES): A document produced by an applicant describing / identifying any likely significant effects identified in the EIA (above).

Integrated Impact Assessment (IIA): An IIA is a piece of research that tells us about the potential positive and negative impacts of proposed changes to services on the human rights of people who live and work in the area.

Objective Keystone / Keplan: The consultation platform used by the planning policy team to carry out public consultations on planning policy documents. This system also holds our consultation database.

Local Development Documents: The set of documents (Development Plan Documents and Supplementary Planning Documents) that taken as a whole set out the development plan policies and guidance that is in place in an area.

Local Development Scheme (LDS): The Local Development Scheme is a document that sets out the local planning authority's programme for the production of Local Development Documents.

Local Plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law, this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area. Luton Council is the local planning authority for the borough of Luton for all planning matters apart from minerals and waste. Central Bedfordshire Council is the local planning authority for the whole of Bedfordshire, including Luton, for minerals and waste matters.

Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1000sqm or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015

Material Considerations: A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision

National Planning Policy Framework (NPPF): The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Neighbourhood Development Order: An Order made by a local planning authority through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development

Neighbourhood Plan: A plan prepared by parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Planning Inspectorate (PINS): The Planning Inspectorate is an agency of the Department of Levelling Up, Housing and Communities. It processes and determines planning appeals and national infrastructure planning applications, conducts independent examinations of local plans, and undertakes other planning-related and specialist casework.

Planning Practice Guidance: The national Planning Practice Guidance provides advice that adds further context to the National Planning Policy Framework (NPPF) on specific issues and is intended to be read in conjunction with the NPPF.

Policies Map: Prepared by a local planning authority alongside their Local Plan, this document was previously known as the Proposals Map. It illustrates, on an Ordnance Survey base map, all the policies and proposals set out in the Local Plan.

Strategic Environmental Assessment: A procedure, set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Supplementary Planning Documents: A Local Development Document that does not have development plan status but one that elaborates on policies and proposals in Development Plan Documents.

Sustainability Appraisal: A Sustainability Appraisal must be undertaken before the adoption of a development plan such as a Local Plan. It involves an assessment of the social, economic and environmental implications of the plans and policies in the Plan, to ensure that decisions are made consistent with the objective of sustainable development. The Sustainability Appraisal can incorporate the requirements of the Strategic Environmental Assessment.

Appendix 3 – Our consultation database

7.1 The planning policy team manages a consultation database on [Objective Keyplan](#). This is a live database, which means that stakeholders and interested parties can ask to be added or removed at any time.

7.2 Due to the size of the database an exhaustive list of consultees has not been included within this document. Generally, the consultees on our database fall within the following three groups:

- Duty to cooperate bodies
- General and specific consultation bodies (as outlined in [the Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2012 \(as amended\)](#)).
- Representative groups

7.3 Representative groups generally include community groups, organisations and other groups that still have an interest in being consulted on planning policy matters but do not necessarily fall under the duty to cooperate or the general or specific consultation body definition. We will utilise this network to ensure that relevant groups and organisations are included in planning consultations, including groups representing all of the protected characteristics.

7.4 We will work with other teams within the council, such as the Social Justice Team and Economic Development Team, to make sure that relevant representative groups are present on our consultation database.

Representative groups include:

- General public / residents – individuals who have asked to be consulted on planning policy matters
- Local government (e.g. councillors / council committees)
- Local groups, clubs, organisations – e.g. local residents groups, community groups and community organisations
- Local forums / partnerships including neighbourhood forums – for example, river catchment partnerships
- Environmental groups
- Seldom heard groups and groups representing the protected characteristics
- Landowners / house builders / planning agents – for example, housing associations
- Local and regional service providers
- National government
- National and regional organisations

7.5 Individuals or groups can ask to be added to or removed from our consultation database at any time by emailing localplan@luton.gov.uk.